

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Kyle L. Welch

DEFENDANTS

City of Phila., Officer Joseph Rapone, Officer Christopher Culver

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
William J. Fox, Esq., 1219 Spruce St., Phila., PA 19107

Attorneys (If Known)
Aaron Shotland

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Sec. 1983

Brief description of cause:

Civil Rights Violation under 42 U.S.C. Sec. 1983

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMANDS

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

7/13/15

SIGNATURE OF ATTORNEY OF RECORD

A- [Signature]

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

Kyle L. Welch

Plaintiff

Civil Action

NO: _____

V.

**City of Philadelphia
c/o City Law Department
and,**

**Officer Joseph Rapone
c/o City Law Department
and,**

**Officer Christopher Culver
c/o City Law Department**

Formerly

**Court of Common Pleas
Philadelphia County
Trial Division – Civil
January Term 2015
No. 002668**

Defendants

NOTICE OF REMOVAL

To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania.

Pursuant to 28 U.S.C. § 1441, defendants, City of Philadelphia, P/O Joseph Rapone and P/O Christopher Culver (hereinafter “petitioners”) through their counsel, Aaron Shotland, Assistant City Solicitor, respectfully petition for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendants state the following:

1. In January 2015, plaintiff initiated this action by a Complaint in the Court of Common Pleas in Philadelphia, January 2015, No. 002668. (Exhibit A - Complaint).
2. On June 25, 2015, said Complaint was served on Petitioners at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania.
3. Plaintiff alleges that on January 23, 2014, she sustained damages when her civil rights were violated by the defendants. (Exhibit A).

4. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 since Plaintiff's Complaint contains allegations of violations of the plaintiff's Federal Civil Rights and seeks relief under 42 U.S.C. § 1983. (Exhibit A)

Wherefore, petitioners, City of Philadelphia, P/O Joseph Rapone and P/O Christopher Culver, respectfully request that the captioned Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Craig Straw
Chief Deputy City Solicitor



AARON SHOTLAND
Assistant City Solicitor
Attorney I.D. No. 205916
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5434

Date: 7/13/15

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

Kyle L. Welch

Plaintiff

Civil Action

NO: _____

V.

**City of Philadelphia
c/o City Law Department
and,**

**Officer Joseph Rapone
c/o City Law Department
and,**

**Officer Christopher Culver
c/o City Law Department**

Formerly

**Court of Common Pleas
Philadelphia County
Trial Division – Civil
January Term 2015
No. 002668**

Defendants

NOTICE OF FILING OF REMOVAL

**TO: William J. Fox, Esquire
1219 Spruce Street
Philadelphia, PA 19107**

PLEASE TAKE NOTICE THAT on July 13, 2015, defendants, City of Philadelphia, P/O Joseph Rapone and P/O Christopher Culver filed, in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).



AARON SHOTLAND

Assistant City Solicitor

Attorney I.D. No. 205916

City of Philadelphia Law Department

1515 Arch Street, 14th Floor

Philadelphia, PA 19102

215-683-5434

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

Kyle L. Welch

Plaintiff

Civil Action

NO: _____

V.

**City of Philadelphia
c/o City Law Department
and,**

**Officer Joseph Rapone
c/o City Law Department
and,**

**Officer Christopher Culver
c/o City Law Department**

Formerly

**Court of Common Pleas
Philadelphia County
Trial Division – Civil
January Term 2015
No. 002668**

Defendants

CERTIFICATE OF SERVICE

I, Aaron Shotland, Assistant City Solicitor do hereby certify that a true and correct copy of the attached Notice of Removal has been served upon the following by First Class Mail, postpaid, on the date indicated below:

**TO: William J. Fox, Esquire
1219 Spruce Street
Philadelphia, PA 19107**


Aaron Shotland

**Assistant City Solicitor
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5434**

Date: 7/13/15

Exhibit “A”

94 223

WILLIAM J. FOX, ESQUIRE
Law Offices of William J. Fox, P.C.
Attorney Id. 69898
1219 Spruce Street
Philadelphia, PA 19107
(215) 546-2477

KYLE L. WELCH
Plaintiff

v.

CITY OF PHILADELPHIA
C/O CITY LAW DEPARTMENT
and,

OFFICER JOSEPH RAPONE
C/O CITY LAW DEPARTMENT
and,

OFFICER CHRISTOPHER CULVER
C/O CITY LAW DEPARTMENT
Defendants

Attorney for Plaintiff

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS

JANUARY TERM 2015
NO. 2668



NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Reference Service
One Reading Center
Philadelphia, Pennsylvania 19107
Telephone: 215-238-6333
TTY: 215-451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estademandas expuestas en las paginas siguientes, usted tiene veinte (20) días deplavoal partir de la fecha de la demanda y la notificacion, llacc lalta a senta una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de s?? persona. Sea a visado que si ysted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previa aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perde? dinero o sus propiedades o otros de rechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIAMENTE SI NO LLENE ABOGADO O SI NO LLENE EL DINERO SUFFICIENTE PARA PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE INCUENIRA ESCRIBA ABAJO PARA AVERIGUAR DONDI SI PUIDI CONSEGUIR ASISIENCIA LEGAL.

Servicio de Referencia Legal
Uno Reading Centro
Filadelfia, PA 19107
Telefono: 215-238-6333
TTY: 215-451-6197

WILLIAM J. FOX, ESQUIRE
Law Offices of William J. Fox, P.C.
Attorney Id. 69898
1219 Spruce Street
Philadelphia, PA 19107
(215) 546-2477

Attorney for Plaintiff

KYLE L. WELCH	:	PHILADELPHIA COUNTY
Plaintiff	:	COURT OF COMMON PLEAS
	:	
v.	:	JANUARY TERM 2015
	:	NO. 2668
CITY OF PHILADELPHIA	:	
C/O CITY LAW DEPARTMENT	:	
and,	:	
	:	
OFFICER JOSEPH RAPONE	:	
C/O CITY LAW DEPARTMENT	:	
and,	:	
	:	
OFFICER CHRISTOPHER CULVER	:	
C/O CITY LAW DEPARTMENT	:	
Defendants	:	

COMPLAINT

1. Plaintiff, Kyle L. Welch, is a citizen and resident of Philadelphia, Pennsylvania and the United States of America.
2. Defendant, City of Philadelphia, is a municipality and agent of the Commonwealth of Pennsylvania. Defendant City Of Philadelphia manages and oversees the Philadelphia Police Department and Philadelphia Prison System.
3. Defendant, Joseph Rapone, is a Philadelphia Police Officer.
4. Defendant, Christopher Culver, is a Philadelphia Police Officer.
5. Plaintiff sues each and all Defendants in their individual and official capacities.
6. At all times material to this Complaint, Defendants Rapone and Culver acted under color of law and under the color of the statutes, customs, ordinances and usage of the State of Pennsylvania, City of Philadelphia and Philadelphia Police Department.

7. At all times relevant, Defendants acted jointly and in concert with each other. Each individual Defendant had the duty and opportunity to protect the Plaintiff from the unlawful actions of the other Defendants but each Defendant failed and refused to perform such duty, thereby proximately causing Plaintiff's injuries.

8. At all times relevant, Defendant police officers were employed in their duties as police officers for the City of Philadelphia.

9. At all times relevant hereto, Defendant City of Philadelphia was acting through its agents, servants and employees, who were acting within the scope of their authority, course of employment and under the direct control of the Defendant City.

10. On January 23, 2014, Plaintiff, Kyle L. Welch, drove her car to E. Hilton Street in Philadelphia to pick-up her roommate, Christopher Poulan, who was helping a friend to move into an apartment.

11. It was snowing at the time and the roads were covered with snow. On the way home, while traveling on A Street, Plaintiff's vehicle got stuck in the snow.

12. After getting out of the car and pushing, she and Mr. Poulsen were able to get the car moving. Plaintiff got into the car as a passenger. At this point, Mr. Poulsen had taken over driving the car.

13. Before Plaintiff could continue her journey to her apartment in South Philadelphia, a large white sedan pulled-up right next to her vehicle. Two police officers were in the sedan.

14. Plaintiff noticed that the men in the sedan were wearing police uniforms and that they were Philadelphia Police Officers later identified as Defendants, Joseph Rapone and Christopher Culver.

15. Defendant Rapone rolled down the window of his vehicle. Recognizing him as police officer, Plaintiff rolled down her car window.

16. Defendant Rapone then began to question and detain Plaintiff and Mr. Poulan.

17. Defendants, Rapone and Culver, for no good reason, began to question and harass Plaintiff and accuse Plaintiff of taking drugs, selling drugs and/or purchasing drugs.

18. Despite the fact that Defendants Rapone and Culver were rude, intimidating and vulgar, Plaintiff acted civilly and answered their questions. Defendants, mostly Defendant Rapone, then began to engage in unlawful searches, assaults, batteries and intimidating behavior that includes, but is not limited to, the following:

a. Defendant Rapone, through his vehicle window, asked Plaintiff where she lived and Plaintiff told him where she lived. He then asked her what she was doing. She replied that she was picking up her friend. Defendant Rapone responded “bullshit” and stated “She’s got dope on her.”

b. Defendant Rapone then jumped out of his vehicle and opened Plaintiff’s door. Plaintiff attempted to get out and Rapone yelled: “Did I tell you to get out of the fucking car, did I? Stay in the fucking car.” Plaintiff complied.

c. Defendant Rapone asked Plaintiff if she had ever been arrested. When she replied no, he stated “Do you want to be arrested?” Plaintiff replied no.

d. Defendant Rapone then asked Plaintiff if she had drugs on her. When she replied “no” Rapone yelled “bullshit”. Plaintiff then emptied her pockets, which contained her phone, glasses and wallet, as a gesture to show Defendant Rapone that she did not have any drugs. Defendant Rapone then began to rummage through Plaintiff’s wallet.

e. Defendant Rapone unzipped Plaintiff's jacket and began to feel inside her jacket and then stated, "I'm not feeling you up."

f. Defendant Rapone asked Plaintiff what she did for a living. When Plaintiff replied that she was a nurse anaesthetist, he replied "you are a fucking nurse with anesthesia?"

g. Defendant Rapone questioned Plaintiff as to where she worked and Plaintiff responded, Pennsylvania Hospital.

h. Defendant Rapone threatened to call Plaintiff's aforesaid employer and tell them that Plaintiff was hanging out in a "bad" neighborhood dealing and/or using drugs.

i. Defendant Rapone obtained Plaintiff's date of birth, directed Plaintiff to stand behind the vehicle and then checked Plaintiff's date of birth to see if she had a criminal record.

j. Defendant Culver had asked Mr. Poulen to step out of the car and began to search the car and opened the center console.

k. Defendant Rapone asked Mr. Poulen if he had any needles (meaning needles used to shoot up heroin etc.). Mr. Poulen replied he did not. Defendant Rapone then threatened to harm Mr. Poulen if he got stuck with a needle.

19. Defendants Rapone and Culver returned to their vehicle and without saying anything further, or issuing any citations, drove away.

20. At no time did Defendants have any reasonable suspicion or probable cause to stop and detain Plaintiff.

21. At no time had Plaintiff or Mr. Poulen engaged in any criminal conduct that could have provided Defendants Rapone and Culver with reason to stop, detain, harass and illegally search Plaintiff's person and car.

22. At no time after the stop, did Defendants Rapone or Culver ever sign any affidavit stating that Plaintiff had committed a crime.

23. The conduct of Defendants Rapone and Culver is so outrageous as to go beyond all societal norms and expected behavior of a law enforcement officer.

24. On January 24, 2014, Plaintiff received a phone call from her employer informing her that an alleged anonymous caller had notified Penn Health Systems that Plaintiff was in a drug neighborhood and was trying to buy drugs.

25. On January 24, 2014, Plaintiff filed a complaint with the Philadelphia Police Department Internal Affairs Unit.

26. On or about February 19, 2014, Plaintiff met with Lt. Logan from the Philadelphia Police IAD and was interviewed with regard to the events that took place on January 23, 2014.

27. However, despite repeated inquiries, the IAD has not informed Plaintiff of the results of their investigation. The IAD has acted with callous disregard of Plaintiff's complaint and has failed to inform Plaintiff of the results of its investigation.

28. As a result of the aforesaid false reports made by Defendants Rapone and Culver to Penn Health System, Plaintiff was required to undergo a drug screen test. The test results were negative.

29. As a result of the false reports made by Defendants Rapone and Culver to Penn Health System, Penn Health System forced Plaintiff to resign from her employment from Penn Hospital/Penn Health System.

COUNT I - DEFAMATION

30. Plaintiff hereby incorporates by reference paragraphs 1 through 29 of this Complaint

as though same were fully set forth at length herein.

31. At all times relevant, Plaintiff was defamed to others by the false statements of Defendants Rapone and Culver that were made to Plaintiff's employer, and others, that Plaintiff had engaged in criminal activity and was an illegal drug dealer and user.

32. Due to the defamation that Plaintiff was subjected to, Plaintiff has suffered the following damages:

- (a) loss of employment, wages and other pecuniary losses
- (b) embarrassment and humiliation;
- (c) damage to reputation;
- (d) pain and suffering due to the insults to her nervous system; and
- (e) mental anguish and distress.

33. Defendant's conduct in defaming Plaintiff was also reckless and intentional and outrageous.

COUNT II - DEFAMATION - SLANDER PER SE

34. Plaintiff hereby incorporates by reference paragraphs 1 through 33 of this Complaint as though same were fully set forth at length herein

35. At all times relevant Defendants Rapone and Culver falsely reported to Plaintiff's employer that Plaintiff engaged in criminal conduct.

36. At all times relevant, Defendants Rapone and Culver repeatedly made disparaging comments to Plaintiff's employer accusing Plaintiff of selling drugs.

37. These statements are false, defamatory and otherwise harassing to Plaintiff.

38. It is extreme and outrageous to contact Plaintiff's employer and make false

statements.

39. Defendants' aforesaid defamatory statements constitute slander per se.

40. Due to the slander per se, Plaintiff has suffered the following damages:

- (a) loss of employment, wages and other pecuniary losses
- (b) embarrassment and humiliation;
- (c) damage to reputation;
- (d) pain and suffering due to the insults to her nervous system; and
- (e) mental anguish and distress.

COUNT III - 42 U.S.C. §1983 FALSE IMPRISONMENT

41. Plaintiff incorporates by reference paragraphs 1 through 40 of this Complaint as though same were fully set forth at length herein.

42. Plaintiff, Kyle Welch, was damaged and injured as set forth above under 42 U.S.C. §1983 by Defendants Rapone and Culver in that they, as described in detail in the preceding paragraphs, violated Plaintiff's constitutional rights while acting under color of law.

43. More specifically, Defendants Rapone and Culver intentionally and unlawfully detained Plaintiff without probable cause, against Plaintiff's will, and these actions were the actual and proximate cause of the Plaintiff's injuries.

COUNT IV - 42 U.S.C. §1983 MONELL CLAIM

44. Plaintiff incorporates by reference paragraphs 1 through 43 of this Complaint as though same were fully set forth at length herein.

45. Plaintiff was damaged and injured as set forth above under 42 U.S.C. §1983 by Defendant Officers in that they, as described in detail in preceding paragraphs, violated Plaintiff's

constitutional rights while acting under color of law.

46. Defendant City of Philadelphia developed and maintained policies and/or customs exhibiting deliberate indifference to the constitutional rights of persons in the City of Philadelphia, which caused the violation of Plaintiff's rights.

47. There has been a history of Philadelphia Police Officers engaging in rampant illegal conduct in detaining civilians, without probable cause, because the civilian is Caucasian and in a neighborhood that is known for illegal drug dealing activity and/or is considered to be a "drug neighborhood."

48. It is and/or was the policy and/or custom of the Defendant City of Philadelphia to fail to sufficiently supervise against, train and/or re-train against, and discipline against illegal police activity as described herein.

49. It is and/or was the policy and/or custom of the Defendant City of Philadelphia to fail to sufficiently supervise against, train and or re-train against, and discipline against complicity by the Philadelphia Police Department regarding illegal police activity and illegal police stops without any probable cause.

50. It was the policy and/or custom of Defendant City of Philadelphia to inadequately supervise and train its Police Officers, like Defendants Rapone and Culver, against a code of silence or complicity of Police Officers and other unlawful misconduct committed by Police Officers.

51. As a result of the above-described policies and customs and/or the lack thereof, Police Officers of the City of Philadelphia, including the Defendants Rapone and Culver, believed that their actions would not be properly monitored by supervisory Officers and that misconduct would not be investigated or sanctioned, but would be tolerated.

52. As a result of all Defendant's conduct, Plaintiff suffered and continues to suffer pecuniary damages, emotional distress, mental anguish, loss of reputation, scorn of the community and/or related financial losses

COUNT V - Invasion of Privacy – Casting in a False Light

53. Plaintiff incorporates by reference paragraphs 1 through 52 of this Complaint as though same were fully set forth at length herein.

54. Defendant City of Philadelphia and Defendants Rapone and Culver, acting in concert, conspiracy and/or jointly, invaded the privacy and/or cast Plaintiff in a false light by making it appear to others that Plaintiff had violated the laws of the Commonwealth of Pennsylvania, engaged in criminal activities and/or had otherwise engaged in conduct that was inconsistent with the character and reputation of the Plaintiff.

55. The actions of all Defendants were undertaken knowingly, intentionally, negligently, recklessly, maliciously and/or in the absence of probable cause or other lawful grounds and/or with reckless disregard for the truth.

56. As a result of all Defendants' conduct, Plaintiff suffered and continues to suffer pecuniary damages, emotional distress, mental anguish, loss of reputation, scorn of the community and/or related financial losses.

COUNT III - RESPONDEAT SUPERIOR

57. Plaintiff incorporates by reference paragraphs 1 through 58 of this Complaint as though same were fully set forth at length herein.

58. At all times relevant, Defendant City of Philadelphia was the employer of Defendants Rapone and Culver.

59. At all times relevant and on January 23, 2014, Defendants Rapone and Culver were employed by, and were agents, servants, contractors, independent contractors and/or employees of Defendant City of Philadelphia.

60. On January 23, 2014, Defendants Rapone and Culver were working within the course and scope of their employment for the City of Philadelphia Police Department when they detained Plaintiff and contacted Plaintiff's employer to falsely report that Plaintiff was engaged in criminal activities.

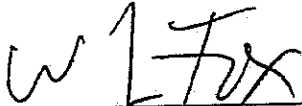
61. The above-described acts of Defendants Rapone and Culver Dunn were committed within the scope of their employment for the City of Philadelphia Police Department in that said acts were committed while they were on duty and acting in furtherance of the business of the City of Philadelphia.

62. As a result of the foregoing acts of Defendant City of Philadelphia, Plaintiff suffers and continues to suffer pecuniary damages, emotional distress, mental anguish, loss of reputation, scorn of the community and/or related financial losses..

WHEREFORE, Plaintiff demands judgment against the Defendants and each of them, jointly and severally, as follows:

- a. Compensatory damages in an amount this Court shall consider to be just, reasonable and fair;
- b. Damages for pain and suffering;
- c. Punitive damages in an amount the Court shall consider to be just, reasonable and fair;
- d. Attorney fees and the costs of this action; and
- e. Such other relief as this Court shall consider to be fair and equitable.

Date: June 25, 2015




WILLIAM J. FOX, ESQUIRE
Attorney for Plaintiff

VERIFICATION

I, Kyle L. Welch, Plaintiff in this Action, hereby verify that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.

I understand that the statements made in said Pleading are made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn falsification to authorities.

Date: 6/25/15



KYLE L. WELCH

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Kyle L. Welch

Civil Action

v.

**City of Philadelphia,
Officer Joseph Rapone
Officer Christopher Culver**

No.

CASE MANAGEMENT TRACK DESIGNATION FORM

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through § 2255. ()
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

Aaron Shotland, Esquire

7/13/2015
Date

Attorney-at-law

City of Philadelphia, et al.
Attorney for

(215) 683-5434

(215) 683-5397

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Telephone

FAX Number

E-mail Address

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 611 League Street, Philadelphia, PA 19147

Address of Defendant: Law Department, 1515 Arch Street, 14th Floor, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Philadelphia, PA
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)). Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?
RELATED CASE IF ANY: Yes ☐ No ☒

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All
2. ☐ FELA
3. ☐ Jones Act – Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All Other Federal Questions Cases (Please specify)

B. Diversity Jurisdiction Cases:

- Other Contracts
1. ☐ Insurance Contract and Other Contracts
 2. ☐ Airplane Personal Injury
 3. ☐ Assault, Defamation
 4. ☐ Marine Personal Injury
 5. ☐ Motor Vehicle personal Injury
 6. ☐ Other Personal Injury (Please specify)
 7. ☐ Products Liability
 8. ☐ Products liability - Asbestos
 9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Aaron Shotland, counsel of record do hereby certify:

- ☐ Pursuant to Local Rule 53.3 A, civil rights cases are excluded from arbitration.
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 7/13/2015

Aaron Shotland
Attorney-at-Law

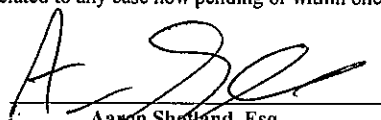
205916

Attorney I.D. #

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 7/13/2015



Aaron Shotland, Esq.
Attorney-at-Law

205916

Attorney I.D. #